

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CORY ANTHONY SIMPSON,

Plaintiff,

v.

Case No. 2:09-cv-00024

EMPLOYEES AT SOUTH CENTRAL
REGIONAL JAIL,

Defendants.

PROPOSED FINDINGS AND RECOMMENDATIONS

This civil action is assigned to the Honorable John T. Copenhaver, Jr., United States District Judge, and it is referred to the undersigned United States Magistrate Judge for submission of proposed findings and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Currently pending before this court is Plaintiff's Complaint (docket nos. 1, 9), Amended Complaint (docket no. 13), and Application to Proceed without Prepayment of Fees and Costs, filed January 23, 2009 (docket no. 10).

PROCEDURAL HISTORY

Plaintiff filed a Complaint on January 12, 2009, against unnamed employees at South Central Regional Jail ("SCRJ") for failure to provide medication and treatment related to his alleged diabetes and manic depressive disorder (docket no. 1). Specifically, Plaintiff asserted that the unnamed Defendants failed to provide insulin at the levels requested, schedule blood sugar

checks at the times requested, provide meals at the times requested, provide a night bag lunch, and provide psychiatric medications. (docket nos. 1, 9, 13).

INJUNCTIVE RELIEF

The only relief requested by Plaintiff is release from custody at SCRJ (docket no. 13 at 5). Sometime subsequent to the filing of the Amended Complaint (docket no. 13), Plaintiff was released from the SCRJ. Because Plaintiff is no longer incarcerated at the SCRJ, his request for injunctive relief is now moot. Accordingly, the court proposes that the presiding District Judge **FIND** that Plaintiff's requests for injunctive relief are moot.

Accordingly, pursuant to 28 U.S.C. § 1915A(b)(1), it is respectfully **RECOMMENDED** that the presiding District Judge **DISMISS** the Complaint (docket nos. 1, 9, 13) and **DENY** Plaintiff's Application to Proceed Without Prepayment of Fees (docket no. 10) as moot.

Plaintiff is notified that this "Proposed Findings and Recommendation" is hereby **FILED**, and a copy will be submitted to the Honorable John T. Copenhaver, United States District Judge. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Rules 6(e) and 72(a), Federal Rules of Civil Procedure, Plaintiff shall have ten days (filing of objections) and then three days (service/mailing) from the date of filing this "Proposed Findings and Recommendation" within which to file with the Clerk of this Court, specific written objections, identifying

the portions of the "Proposed Findings and Recommendation" to which objection is made, and the basis of such objection. Extension of this time period may be granted for good cause shown.

Failure to file written objections as set forth above shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984). Copies of such objections shall be served on Judge Copenhaver and this Magistrate Judge.

The Clerk is directed to file this "Proposed Findings and Recommendation" and to mail a copy of the same to Plaintiff.

ENTER: April 7, 2009



Mary E. Stanley
United States Magistrate Judge